

REMARKS/ARGUMENTS

The applicant's attorneys appreciate the Examiner's thorough search and remarks.

Responsive to paragraph 1 of the Office Action, Figure 2 has been corrected. Withdrawal of the objection is requested.

Claim 1 has been amended to include the limitations of claim 9 and 10. Claims 9 and 10 were rejected pursuant to 35 U.S.C. §103(a) as obvious over Standing, U.S. Patent No. 6,677,669.

Claim 18 has been amended to include the limitations of claims 23 and 24. Claims 23 and 24 were also rejected under 35 U.S.C. §103(a) as obvious over Standing.

The present application was filed on July 14, 2003. Standing was issued on January 13, 2004, and published as an application on July 24, 2003. Thus, Standing can only be a reference under 35 U.S.C. §102(e).

Pursuant to 35 U.S.C. §103(c) and MPEP §706.02(k) effective "November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via U.S.C. §102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention 'were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person'. This change to 35 U.S.C. §103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999."

Pursuant to MPEP §706.02(1)(2) (Page 700-39), common ownership as required by 35 U.S.C. §103(c) can be established by a statement made for the record. Thus, to establish common ownership as required by 35 U.S.C. §103(c) it is submitted that the present application and Standing (the U.S. Patent and the U.S. published patent application) were, at the time the invention of the present application was made, owned by International Rectifier Corporation of California. Thus, pursuant to MPEP §706.02 and 35 U.S.C. §103(c), Standing may not be used as a reference against claim 1 under 35 U.S.C. §103(a). It is respectfully submitted that Standing should be withdrawn.

As a ground for rejecting claims 9, 10, 23 and 24 the Examiner has stated that, as a matter of law, modifying a "shape" is obvious, unless unobviousness is supported by evidence of criticality. It is respectfully submitted that the Examiner's position does not have a basis in law.

That is, the differences in shape are not considered obvious, as a matter of law, unless proven to be critical.

For support, the Examiner has cited cases in which "dimensional limitations" are considered obvious. The authority cited is limited to dimensions, for example, length or area of an object of the same shape, and does not reach to cases in which there are differences between the claimed shape and the prior art. Reconsideration of claims 1 and 18 is requested.

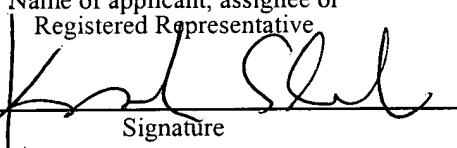
Claim 16 was rejected as anticipated by Standing. Standing, however, does not teach or suggest a connection that is ball shaped. This fact is actually recognized in paragraph 7 of the Office Action. Reconsideration is requested.

Claim 30 has been rejected under 35 U.S.C. §103(a) as obvious over Standing in view of Nakamura, U.S. Patent No. 6,340,842. As explained above, Standing is not a proper reference against the present application. Reconsideration of claim 30 is requested.

The application is now believed to be in condition for allowance. Such action is earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 3, 2005:

Kourosh Salehi

Name of applicant, assignee or
Registered Representative


Signature

March 3, 2005

Date of Signature

Respectfully submitted,



Kourosh Salehi
Registration No.: 43,898
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

KS:gl

AMENDMENT TO THE DRAWINGS

Fig. 2 has been amended. The attached sheet of formal drawings replaces the original sheet including Figs. 1 and 2.